



House of Representatives

General Assembly

File No. 66

January Session, 2011

Substitute House Bill No. 5465

House of Representatives, March 14, 2011

The Committee on Labor and Public Employees reported through REP. ZALASKI of the 81st Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING FAMILY AND MEDICAL LEAVE BENEFITS FOR CERTAIN MUNICIPAL EMPLOYEES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 31-51rr of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective from passage*):

3 (a) Each political subdivision of the state shall grant any employee
4 of such political subdivision who is (1) a party to a civil union, as
5 defined in section 46b-38aa, and who has been employed for at least
6 twelve months by such employer and for at least one thousand two
7 hundred fifty hours of service with such employer during the previous
8 twelve-month period the same family and medical leave benefits
9 under the federal Family and Medical Leave Act, [Public Law] P.L.
10 103-3, and 29 CFR 825.112, as are provided to an employee who is a
11 party to a marriage, or (2) on or after January 1, 2012, a school
12 paraprofessional with instructional responsibilities and who has been
13 employed for at least twelve months by such employer and for at least

14 eight hundred fifty hours of service with such employer during the
15 previous twelve-month period the same family and medical leave
16 benefits under the federal Family and Medical Leave Act, P.L. 103-3,
17 and 29 CFR 825.112 as are provided to an employee who has been
18 employed for at least twelve months by such employer and for at least
19 one thousand two hundred fifty hours of service with such employer
20 during the previous twelve-month period.

21 (b) (1) Any employee of a political subdivision of the state who has
22 worked at least twelve months and one thousand two hundred fifty
23 hours for such employer during the previous twelve-month period, or
24 (2) on or after January 1, 2012, any school paraprofessional with
25 instructional responsibilities employed by a political subdivision of the
26 state who has worked at least twelve months and eight hundred fifty
27 hours for such employer during the previous twelve-month period
28 may request leave in order to serve as an organ or bone marrow donor,
29 provided such employee may be required, prior to the inception of
30 such leave, to provide sufficient written certification from the
31 physician of such employee of the proposed organ or bone marrow
32 donation and the probable duration of the employee's recovery from
33 such donation.

34 (c) Nothing in this section shall be construed as authorizing leave in
35 addition to the total of twelve workweeks of leave during any twelve-
36 month period provided under the federal Family and Medical Leave
37 Act, [Public Law] P.L. 103-3.

38 (d) The Labor Department shall enforce compliance with the
39 provisions of this section.

40 (e) On or before January 1, 2012, the Labor Commissioner shall
41 promulgate regulations for the provision of family and medical leave
42 benefits to school paraprofessionals with instructional responsibilities
43 pursuant to this section.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>from passage</i>	31-51rr
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LAB *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact:

Municipalities	Effect	FY 12 \$	FY 13 \$
Various Municipalities	STATE MANDATE - Potential Cost	Minimal	Minimal

Explanation

The bill reduces the number of hours paraprofessional employees of local governments must work in order to qualify for certain family and medical leave (FMLA) benefits. This results in a potential minimal cost to municipalities.

It is estimated there are 37,000 paraprofessionals currently working in Connecticut. Of that number, approximately 12,000 are already eligible for FMLA benefits, leaving approximately 25,000 paraprofessionals affected by the bill.¹ To the extent that any of these paraprofessionals experience qualifying FMLA events, there is a potential cost² to municipalities to provide coverage for those shifts, these costs are anticipated to be minimal.

There is no cost to the Department of Labor to adopt implementing regulations by January 1, 2012.

¹ Under current law local government employees must provide at least 1,250 hours of services and have worked for the previous 12 months in order to be eligible for FMLA benefits.

² Based on data from a study by the Office of Program Review and Investigations, it is estimated that paraprofessionals earn approximately \$10 to \$12 per hour in wages.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

*Sources: Department of Labor, Wage and Workplace Standards Division
Office of Program Review and Investigations, "School Paraprofessionals",
December 2006*

OLR Bill Analysis**sHB 5465*****AN ACT CONCERNING FAMILY AND MEDICAL LEAVE BENEFITS FOR CERTAIN MUNICIPAL EMPLOYEES.*****SUMMARY:**

Beginning January 1, 2012, this bill lowers, from 1,250 to 850, the number of work hours school paraprofessionals with instructional responsibilities need to qualify for family and medical leave benefits. Specifically, it requires boards of education to grant them the same benefits that municipal employees working 1,250 hours a year receive under the federal Family and Medical Leave Act (FMLA) if the paraprofessionals have worked at least (1) 12 months and (2) 850 hours during the past 12 months. It also allows them to use the leave to serve as an organ or bone marrow donor. The bill requires the Labor commissioner to adopt implementing regulations by January 1, 2012.

EFFECTIVE DATE: Upon passage

BACKGROUND***Federal FMLA Provisions***

The federal FMLA provides up to 12 weeks of unpaid leave to employees of all political subdivisions. Table 1 shows the law's provisions.

Table 1: Federal FMLA Provisions

	<i>Federal Law (as applied to political subdivisions)</i>
Political subdivisions covered	All
Employees eligible	Those who have worked (1) at least 12 months for the employer and (2) at least 1,250 hours in the previous 12 months

Leave amount	Up to 12 weeks in one year
Types of leave	For birth; adoption or foster care; to provide care for employee's own parent, child, or spouse with serious health condition; or employee's own serious health condition
Serious health condition or illness	Illness, injury, impairment, or physical or mental condition involving incapacity or treatment connected with inpatient care in a hospital, hospice, or residential medical-care facility; or continuing treatment by a health care provider
Health benefits during leave	Employee health insurance must be continued under same conditions as prior to leave, including any required employee contribution
Job reinstatement rights	Must be restored to same position or equivalent in all benefits and other terms and conditions of employment

COMMITTEE ACTION

Labor and Public Employees Committee

Joint Favorable Substitute

Yea 9 Nay 2 (03/01/2011)